

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

C.A. NO.: 04-CV-40054

GERALD F. RICHARDS,)
Plaintiff)
)
v.)
)
SOUTHBIDGE POWER & THERMAL, LLC.,)
Defendant)

**DEFENDANT SOUTHBIDGE POWER & THERMAL, LLC'S, LIMITED
OPPOSITION TO PLAINTIFF'S MOTION TO AMEND THE COMPLAINT TO
ADD AS A DEFENDANT WALDRON - ABINGTON, LLC**

Defendant Southbridge Power & Thermal, LLC, ("Southbridge") opposes plaintiff's motion to amend his complaint to add as defendant Waldron - Abington, LLC ("Waldron"). As grounds for its opposition, Southbridge states the following:

1. Despite plaintiff's allegation that he only recently learned that Waldron was the general contractor, this information was provided to plaintiff by way of Southbridge's Fed. R. Civ. P. 26(a)(1) Initial Disclosures.
2. On October 25, 2004, Southbridge served on plaintiff's counsel its Fed. R. Civ. P. 26(a)(1) Initial Disclosures.
3. In its Initial Disclosure, Southbridge provided a copy of the main contract at issue. (A copy of the Initial Disclosure and first page of the contract is attached hereto as Exhibit A.)
4. The main contract fully identifies Waldron as the

general contractor.

5. The main contract fully set forth the contractual duties of each party.
6. Despite having the information in October 2004, plaintiff has waited some six months to move to amend the complaint.
7. Discovery in this matter is currently set to close at the end of May 2005.
8. Adding another defendant at this stage in the litigation will require further discovery by Southbridge as to the newly added defendant.
9. Southbridge will be greatly prejudiced if it is not entitled to fully discover this case as it related to Waldron.

Accordingly, Southbridge requests that this Court deny plaintiff's motion. Alternatively, Southbridge requests that this Court extend the discovery period another 120 days to accommodate the discovery issues raised by adding an additional party.

Respectfully submitted,

THE DEFENDANT,
SOUTHBIDGE POWER & THERMAL, LLC
BY ITS ATTORNEYS,

Date:

3/10/05

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(a) and/or Sup. Ct. R. 9A, I, Keith L. Sachs, do hereby certify that a copy of the foregoing documents have been served first-class postage prepaid on all parties or their representatives in this action as listed below:

Charlotte E. Glinka, Esq.
Keches & Mallen, P.C.
122 Dean St.
Taunton, MA 02780

SIGNED UNDER THE PENALTIES OF PERJURY THIS 10 DAY OF
May, 2001.

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